

REMARKS

Claims 1-9 are pending. Claim 1 has been amended to more particularly point out that a diameter of the first shoulder is smaller than a diameter of the second shoulder and that the second shoulder is located within the slot. Currently amended claim 1 is supported by at least Figure 4, and page 5, lines 6-15, of the specification. For at least the reasons set forth below, withdrawal of all outstanding rejections is respectfully requested. Accordingly, no new matter has been added.

Applicant would like to thank the Examiner for his time and insight during the Applicant-initiated telephonic examiner interview on October 18, 2006. During the interview, claim 1 was discussed in view of U.S. Patent No. 5,802,913 (Winner) and U.S. Patent No. 2,337,913 (McClearen). It was agreed that if claim 1 were amended to recite that "a diameter of said first wall being smaller than a diameter of said second wall" and that an operator arm is disposed in the slot "about said second wall" it would define over the rejection of claim 1. The Examiner did say a further search would be needed before claim 1 would be allowed. As discussed, Applicant is formally submitting an amendment to previously presented claim 1 to overcome the Examiner's rejection in the previous Office Action.

Claim Rejection under 35 U.S.C. § 103(a)

The Examiner has rejected claims 1-9 under 35 U.S.C. § 103(a) as being unpatentable or obvious over Winner in view of McClearen. The Examiner admits that Winner fails to disclose a bore with an outer threaded end or a bearing with an opposite threaded end threaded into the threaded end. The Examiner relies upon McClearen to teach a bore with an outer threaded end and a bearing with an opposite threaded end threaded into the threaded end. The rejection of amended claim 1, and claims 2-9 depending therefrom, is respectfully traversed.

Referring to Figs. 1 and 5, Winner discloses a window operator 10 consisting of a top cover 11, a base 12, an actuating arm 13, and a worm gear 14. The actuating arm 13 is mounted on the base 12 by means of a pin 22. The pin 22 is receivable in an opening 35 in the actuating arm 13. The actuating arm 13 includes gear teeth 34 which are in meshing relationship with the worm gear 14. Glue or any other suitable adhesive is then applied to all contacting surfaces of the cover 11 and base 12 to enclose the actuating arm 13 inside the window operator 10. An

upper end 102 of pin 22 is receivable in a hole 103 in cover 11. The pin 22, when received in hole 103, adds strength to the window operator 10.

Referring to Figs. 1, 3, 4 and 5, McClearen discloses a casement window opener. A base, or housing 23, is mounted on a window sill 1 to enclose a gear segment 30 of arm 34 which opens and closes a window 2. In operation, when a shaft 32 is rotated by means of a crank 33, a worm gear 31 rotates the gear segment 30 of arm 34. An arm 34, indirectly connected to the window 2, is caused to swing. A pivot member 29 is provided in the form of a screw and extends downwardly through the housing 23 and threads into a hub 28. The gear segment 30 is mounted to rotate on the pivot member 29.

Assuming, *arguendo*, that Winner is properly combinable with McClearen, the proposed combination would fail to disclose Applicant's invention as claimed in amended claim 1.

Claim 1, as amended, recites, *inter alia*,

a diameter of said first wall being smaller than a diameter of said second wall, a slot extending part of the length of said housing, said second wall being located within said slot, and an operator arm disposed in said slot about said second wall.

Winner fails to disclose that an operator arm is disposed in a slot about a second wall having a larger diameter than a first wall. The Examiner defined "A" and "B", as seen in Fig. 5 of the previous Office Action, as the first and second walls, respectively. The second wall "B" does have a larger diameter than the first wall "A". However, the operator arm 13 disclosed by Winner is not disposed about the larger diameter second wall "B", as claimed in amended claim 1. Conversely, the operator arm 13 disclosed by Winner is disposed about the smaller diameter first wall "A". McClearen does not make up this deficiency. McClearen fails to teach that an operator arm is disposed in a slot about a second wall having a larger diameter than a first wall. The operator arm, or gear segment 30 of arm 34, disclosed by McClearen is not disposed about a second wall that has a larger diameter than a first wall, as claimed. Conversely, the operator arm, or gear segment 30 of arm 34, disclosed by McClearen is disposed about a smaller diameter first wall.

Since McClearen does not teach that an operator arm is disposed in a slot about a second wall having a larger diameter than a first wall, it could not be obvious to one of ordinary skill in the art to dispose the operator arm about a larger diameter second wall in Winner. Applicant's

invention, as recited in amended claim 1, provides that an operator arm is disposed about a second wall having a larger diameter than a first wall.

Winner in view of McClearen fails to disclose each and every element of amended claim 1. Claims 2-9 are dependent on claim 1 and are therefore patentable over Winner in view of McClearen for the same reasons discussed above. Applicants respectfully submit that claim 1, and claims 2-9 depending therefrom, are not unpatentable over Winner in view of McClearen, and request that the rejection under 35 U.S.C. § 103(a) be withdrawn

CONCLUSION

In view of the foregoing amendment and remarks, Applicant respectfully submits that the present application, including claims 1-9, is in condition for allowance and such action is respectfully requested.

Respectfully submitted,

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